

**ORDINANCE NO. 2016-20**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE THE LEASE AGREEMENT BY AND BETWEEN THE CITY OF COCONUT CREEK AND T-MOBILE SOUTH, LLC, WHICH PROVIDES FOR THE LEASE OF CITY LAND AT THE CITY'S COMMUNITY CENTER FOR A COMMUNICATIONS TOWER AND RELATED EQUIPMENT; PROVIDING FOR RECORDATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, T-Mobile South, LLC ("T-Mobile") has applied to lease 230 square feet of City-owned land from the City of Coconut Creek ("City") at the City's Community Center, located at 1100 Lyons Road, for the purpose of constructing and maintaining a communications tower and related equipment; and

**WHEREAS**, in 2005, the City approved a lease agreement with Sprint-Nextel for a communications tower at the same location and that agreement expired last year; and

**WHEREAS**, T-Mobile has since become the successor in interest to Omni-Point (Nextel) and wants to utilize the existing tower; and

**WHEREAS**, upon further inspection, the current tower has been determined to be structurally unsound requiring T-Mobile to do a "drop-and-swap," which will replace the old tower with a new one at that location; and

**WHEREAS**, the lease agreement provides that upon completion of the tower, T-Mobile will execute a bill of sale in favor of the City for the tower structure and its foundation; and

**WHEREAS**, during construction, the City will receive continuous, uninterrupted service through its public safety communication equipment as T-Mobile has agreed to relocate the City's equipment to a temporary Cell on Wheels (COW) facility; and

**WHEREAS**, the City Commission of the City of Coconut Creek, Florida, finds and determines it to be in the best interests of the residents of the City to enter into

such lease agreement providing for T-Mobile to dismantle and remove the existing tower at T-Mobile's sole expense and construct a new concealed monopole tower and foundation.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:**

**Section 1:** That the City Commission has reviewed and hereby approves that certain Agreement executed by T-Mobile on April 26, 2016 attached hereto and made a part hereof as Exhibit "A" by and between the City and T-Mobile, providing for the lease of City-owned land for a communications tower and related equipment, and hereby authorizes the Mayor to execute said Agreement on behalf of the City. A legal description of the property hereby leased is attached hereto and made a part hereof as Exhibit "B."

**Section 2:** That the initial term of the Agreement is for a period of ten (10) years from the effective date with two (2) automatic five (5) year renewals (unless T-Mobile advises the City of its intent not to renew at least six (6) months prior to the end of the then current term). The Agreement provides for a rent payment of Thirty Nine Thousand, Nine Hundred Dollars (\$39,900.00) per year, with an annual increase in rent of three (3) percent, less a rent abatement for the first ten (10) years not to exceed One Hundred, Ninety-Nine Thousand Six Hundred Dollars (\$199,600.00).

**Section 3:** That a copy of this Ordinance, along with Exhibit "B," the legal description of the land hereby leased, is to be recorded in the Public Records of Broward County, Florida. Exhibit "A," which is the Agreement attached to this Ordinance, is not to be recorded.

**Section 4:** That in the event any provision or application of this Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

**Section 5:** That all Ordinances or parts of Ordinances in conflict herewith are to the extent of said conflict, hereby repealed.

**Section 6:** That this Ordinance shall take effect immediately upon its passage and adoption.

**PASSED FIRST READING THIS 26<sup>th</sup> DAY OF May, 2016.**

**PASSED SECOND READING THIS 23<sup>rd</sup> DAY OF June, 2016.**

\_\_\_\_\_  
Mikkie Belvedere, Mayor

Attest:

\_\_\_\_\_  
Leslie Wallace May, MMC  
City Clerk

	<u>1st</u>	<u>2nd</u>
Belvedere	<u>Aye</u>	<u>Absent</u>
Rydell	<u>Aye</u>	<u>Aye</u>
Sarbone	<u>Aye</u>	<u>Aye</u>
Tooley	<u>Aye</u>	<u>Aye</u>
Welch	<u>Aye</u>	<u>Aye</u>

EXHIBIT "B"

Legal Description:

The Land is described and/or depicted as follows: APN: 8231 32 0010

All of "Coconut Creek Park Plex Plat," according to the Plat thereof, as recorded in Plat Book 173, Page 65, of the Public Records of Broward County, Florida.